

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:13-CR-00199-F-2

UNITED STATES OF AMERICA

)

)

v.

)

ORDER

)

DAVID CHRISTOPHER MAYHEW

)

This matter is before the court on the government's Motion to Dismiss Defendant's Pro Se Pleadings [DE-183]. While the defendant has himself made a number of *pro se* motions, several of which the government now moves to dismiss, the defendant has not responded to the present motion.

The government contends (1) that the defendant does not have a right both to counsel and to represent himself *pro se*, see, e.g., *United States v. Singleton*, 107 F.3d 1091, 1096 (4th Cir. 1997) (holding that a defendant may waive the right to self-representation by proceeding to trial and taking other actions inconsistent with self-representation), and (2) that the defendant's *pro se* motions appear intended to harass and delay. The court agrees. The defendant has benefitted throughout these proceedings from the assistance of counsel; the defendant's counsel has filed motions on his behalf; and the defendant's *pro se* motions appear intended only to delay and harass. For those reasons, the government's Motion to Dismiss Defendant's Pro Se Pleadings [DE-183] is ALLOWED. Accordingly, the defendant's *pro se* motions for reconsideration [DE-167] and for recusal [DE-181] are DISMISSED.

SO ORDERED.

This, the 6 day of January, 2016.



JAMES C. FOX
Senior United States District Judge